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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,345	01/07/2000	TAKAYUKI YOSHIGAHARA	KOIK-P9492	4972

29175 7590 07/14/2004

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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/14/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,345

Applicant(s)

YOSHIGAHARA ET AL.

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This case has been transferred to Examiner Kelly Jerabek. Please direct all future correspondence to Examiner Jerabek whose contact information can be found at the end of this office action.

Response to Arguments

Response to Remarks:

Applicant contends (Amendment, page 8) that the previous Examiner based his 112 rejection on a virtual camera arrangement. The Examiner respectfully disagrees. Claims 1 and 11 as written state that an epipolar line is determined by connecting correspondence points of line of sight connecting **virtual position** and the object to be imaged. The previous Examiner included his own schematic (fig. 1) to show that claims 1 and 11 as written suggest that the epipolar line is determined by connecting correspondence points of line of sight connecting a virtual camera and the object to be imaged.

Applicant contends (Amendment, page 8) that the claimed subject matter of independent claims 1 and 11 as amended is described in the specification in such a way so as to comply with the enablement requirement. The Examiner respectfully disagrees. Claims 1 and 11 as amended state that an epipolar line is

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determined by connecting correspondence points of line of sight connecting **virtual position** and the object to be imaged. Claims 1 and 11 as written suggest that the epipolar line is determined by connecting correspondence points of line of sight connecting a virtual camera and the object to be imaged. The specification and drawings state that an epipolar line is determined by connecting correspondence points of line of sight between the reference camera (11) and the detection camera (3a, 3b) (Specification, page 13; figures 6-8). The specification does state that a reference camera (11) is disposed above a virtual point (A) (Specification, page 12). However, the specification does not state that correspondence points of line of sight connecting the virtual point (A) and the object to be image are used to determine the epipolar line. The specification states that an epipolar line is determined by connecting correspondence points of line of sight connecting a point (n_b) and the object to be imaged (Specification, pages 13-17; figs. 6-8).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re claims 1 and 11, the claims as amended state that an epipolar line is determined by connecting correspondence points of line of sight connecting **virtual position** and the object to be imaged. Claims 1 and 11 as written suggest that the epipolar line is determined by connecting correspondence points of line of sight connecting a virtual camera and the object to be imaged. The specification and drawings state that an epipolar line is determined by connecting correspondence points of line of sight between the reference camera (11) and the detection camera (3a, 3b) (Specification, page 13; figures 6-8). The specification does state that a reference camera (11) is disposed above a virtual point (A) (Specification, page 12). However, the specification does not state that correspondence points of line of sight connecting the virtual point (A) and the object to be image are used to determine the epipolar line. The specification states that an epipolar line is determined by connecting correspondence points of line of sight connecting a point (n_b) and the object to be imaged (Specification, pages 13-17; figs. 6-8).

Re claims 2-10, the claims are rejected as being dependent on claim 1.

Re claims 12-18, the claims are rejected as being dependent on claim 11.

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Because the claims failed to comply with the enablement requirement the Examiner was unable to determine the scope of the claims and therefore could not search for relevant art.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the image pickup means" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the image pickup means" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contacts


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ


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